

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, NAGPUR**

SUO MOTU ADVERTISEMENT CASE NO. 25 OF 2023

MahaRERA on its own Motion Complainant

Versus

Shekhar Constructions Respondent/ Promoter

**MahaRERA Project Registration No. – Unregistered with
MahaRERA**

Coram: Shri.Sanjay Bhimanwar,Dy.Secretary, MahaRERA

Mr.Chandrashekhar M.Bambal appeared for the respondent/ promoter.

ORDER

11th November 2023

(Through Video Conferencing)

1. The Maharashtra Real Estate Regulatory Authority has delegated certain powers on me dated 26/04/2023 under Section -81 of the Real Estate (R&D)Act 2016(hereinafter called as " Act 2016").The said powers, inter alia, contains imposing of penalty under section-59 of the Act-2016 for contravention of section -3 of the Act,2016 by the promoter and to impose penalty under section-61 of the Act,2016 for contravention of section-11(2) of the Act,2016 by the promoter. In Exercise of the powers delegated to me under section 81 of the Act,2016, notices were served to the parties, heard the parties and thereafter matter is disposed of.
1. The MahaRERA authority had issued a show cause notice dated 23/10/2023 to the promoter above named for publishing an advertisement dated 17/09/2023, in Maharashtra Times Newspaper, in regard to the projects 1) Shubh Villas 2) Shiv Sparsh 3) Shiv Spark 4) Ish Sparsh situated at

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Koradi road, Nagpur without registering the said projects with the MahaRERA which is in violation of section 3 of the Act-2016.

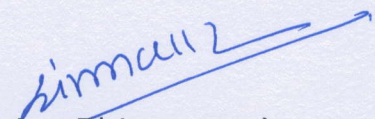
2. The promoter, by its reply dated 31/10/2023 to the said show cause notice dated 23/10/2023 had submitted that each of the aforesaid projects is built on plot area less than 500sq.m. The Promoter had further submitted that the project shubh Villas, Shiv Sparsh, Ish Sparsh has a plot size 264 Sq. m. each and the project Shiv Spark has a plot size 200 Sq.m. and hence MahaRERA registration is not applicable to the aforesaid projects as all of them have a plot size less than 300Sq.m. The Promoter had also submitted the sanction plans of the aforesaid projects sanctioned by Nagpur Improvement Trust and other supporting documents.
3. In this regard, a hearing was scheduled on 09/11/2023 through video conferencing as per the MahaRERA Circular No. 27/2020 and MahaRERA Order No. 593/2023, when the promoter appeared and made its submissions.
4. During the hearing, the promoter reiterated that the aforementioned projects are built on plot area less than 500Sq.m. and hence, the project was not required to comply with RERA.
5. In this regard, it is necessary to peruse the provision of Section 3 of the RERA which reads as under:

(1) "No Promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required— (a) where the area of land proposed to be developed does not exceed five

hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

6. From the plain reading of Section 3(1), the Promoter is under obligation not to advertise, market, book, sell or offer for sale, or invite persons to purchase any plot, apartment or building, without registering the real estate project with MahaRERA. Further, according to section 3(2) registration of real estate project shall not be required where area of land proposed to be developed does not exceed five hundreds square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases.
7. Also, in this regard, it is necessary to peruse the Circular No 25A / 2023 which reads as under:
1) Real Estate Projects where the area of land proposed to be developed is less or equal to five hundred square meters shall not require MahaRERA Project Registration irrespective whether the numbers of apartments / units proposed to be developed is less than or more than eight apartments/units as the case may be inclusive of all phases.
8. In the present case, the Promoter had published a half page advertisement dated 17/09/2023 in Maharashtra Times newspaper without registering the said project with MahaRERA. However, it has been established from the supporting documents that the aforesaid projects have a land area less than 500sq.m. Hence, the promoter is not in violation of section 3 of the Act 2016.
9. In view of the above, the present case stands closed.


(Sanjay Bhimanwar)
**Dy.Secretary,
MahaRERA,Nagpur.**